

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lyuksyutov et al.

Serial No.: 10/817,406

Filed: 25 March 2004

For: METHOD OF POLYMER
NANOLITHOGRAPHY

Attorney Docket No.: AFD 654

Customer No.: 26902

Confirmation No.: 3214

Examiner: Culbert, Roberts P

Group Art Unit: 1763

REPLY TO OFFICE ACTION

Sir,

Applicant replies to the Examiner's Action mailed 26 September 2007 as follows:

Remarks:

Applicant respectfully traverses the rejection in the Examiner's Action. Filed herewith is a Declaration of co-inventor Shane B. Juhl under 37 CFR § 1.132. The facts set forth in the Declaration establish that the publication cited against the applicants in the Examiner's Action is not prior art and may not be used as a basis for rejection under 35 USC § 103. See, MPEP 715.01(c) ("Where the applicant is one of the co-authors of a publication cited against his or her application, he or she may . . . overcome the rejection by filing a specific affidavit or declaration under **37 CFR 1.132** establishing that the article is describing applicant's own work. An affidavit or declaration by applicant alone indicating that applicant is the sole inventor and that the others were merely working under his or her direction is sufficient to remove the publication as a reference under **35 U.S.C. 102(a)**."). See also *In re Katz*, 215 USPQ 14 (1982) ("co-authors may not be presumed to be coinventors merely from the fact of coauthorship.")

In view of the foregoing, I respectfully submit that claims 1-8 are in condition for allowance. Accordingly, applicant respectfully requests withdrawal of the rejection and early allowance of the application.